

Application No. 09/900,092  
Docket No. 15436-249.19.1  
Reply to Office Action mailed October 25, 2004

**REMARKS**

This Amendment is presented in response to the Examiner's Office Action mailed October 25, 2004. By this paper, claims 1-5 and 21 are cancelled, and claims 6, 9-13, 15 and 18-20 are amended. Claims 6-20 are now pending in this application.

Reconsideration of this application is respectfully requested in view of the aforementioned amendments to the claims and the following remarks. For the convenience and reference of the Examiner, the remarks of the Applicant are presented in the order in which the corresponding issues were raised in the Office Action.

**I. General Considerations**

Applicant notes that the claim amendments and remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such claim amendments and remarks should not be construed as an acquiescence, on the part of the Applicant, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

**II. Objections to the Claims**

The Examiner has objected to claims 1-21, asserting that informalities exist which must be corrected. In view of the fact that claims 1-5 and 21 have been cancelled herein, Applicant respectfully submits that the objections to those claims has thus been rendered moot and should accordingly be withdrawn. The following discussion thus concerns only claims 6-20.

Initially, the Examiner asserts that the claims must be amended to recite "optic" axis instead of "optical" axis. In support of that objection, the Examiner provides a discussion concerning what the Examiner asserts to be differences between the words "optic" and "optical." That discussion also asserts certain relationships between the phrase "optic axis" and birefringent materials. Applicant submits no comment as to whether or not the positions taken by the Examiner in that discussion have any merit, but submits that in view of the amendments herein to claims 6, 9, 12, 15, 18 and 20 the aforementioned objection concerning use of the term "optical" has been overcome and should be withdrawn.

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As to claims 3, 10 and 19, the Examiner has objected to those claims asserting that "while said first and second wedge angles are substantially equal in magnitude, said angles are oppositely signed, and this fact must be reflected in the claims" (emphasis added). As discussed below however, Applicant respectfully submits that this objection is not well founded.

For example, the Examiner asserts as "fact" that the first and second wedge angles are "oppositely signed," but has failed to define what is meant by the term "oppositely signed" - a term that, incidentally, is not even present in the specification. In light of this, Applicant respectfully declines to amend the claims to include a term whose definition is known only to the Examiner.

The objection of the Examiner is problematic for another reason as well. In particular, the Examiner has not only failed to define the term "oppositely signed," but it is not clear in any event why such a term - whatever its meaning - would have to be included in the claims. Specifically, the Examiner has simply failed to establish why the purported "fact" of "oppositely signed" wedge angles "must" be recited in the claims. Further, it would appear that there is no basis in the cited references for this change.

In view of the foregoing, Applicant respectfully submits that the objections as to the remaining pending claims have been overcome and should be withdrawn.

### **III. Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 1-5 and 21 under 35 U.S.C. § 112, second paragraph, as indefinite, asserting that Applicant has failed to "particularly point out and distinctly claim the subject matter that Applicants regard as their invention." Applicant disagrees with the position of the Examiner but submits that in view of the cancellation herein of claims 1-5 and 21, the rejection of those claims has thus been rendered moot and should accordingly be withdrawn.

### **IV. Rejection Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-5 and 21 under 35 U.S.C. § 103(a), asserting that such claims are unpatentable over JP 11-174382 to Sugiyama et al., in view of US 5,566,259 to Pan et al. Applicant disagrees with the position of the Examiner but submits that in view of the cancellation herein of claims 1-5 and 21, the rejection of those claims has thus been rendered moot and should accordingly be withdrawn.

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V. Allowable Subject Matter

The Examiner has indicated that claims 6-20 would be allowable if they were rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. Applicant respectfully notes however that claims 6-20 have only been objected to in the Office Action, and have not been rejected under 35 U.S.C. 112, second paragraph. In any case, Applicant submits that in view of the amendments and remarks herein, claims 6-20 are now in allowable condition.

As to the allowability of claims 6-20, the Examiner has referred to various aspects of the claims that, in the opinion of the Examiner, render the claims allowable over the references of record. However, Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action.

In particular, Applicant agrees with the Examiner that the invention of claims 6-20 is patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Office Action. Specifically, Applicant submits that it is all the limitations of the claim, considered as a whole, rather than any particular limitation, or subset of limitations, that makes a claim allowable. Accordingly, no single limitation, or subset of limitations, should be construed as the basis for allowance of a claim. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and Applicant does not make any admission or concession concerning the Examiner's statement in the Office Action.

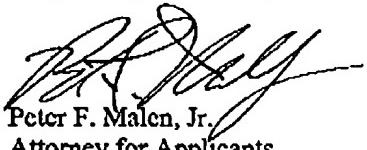
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**CONCLUSION**

In view of the discussion and amendments submitted herein, Applicant respectfully submits that each of the pending claims 6-20 is now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 20<sup>th</sup> day of April, 2005.

Respectfully submitted,

  
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